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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,870	07/18/2002	Martin Wawra	10191/2167	6188
26646	7590	06/17/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			AN, SHAWN S	
		ART UNIT		PAPER NUMBER
				2613
DATE MAILED: 06/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,870	WAWRA, MARTIN	
	Examiner	Art Unit	
	Shawn S. An	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 6-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. As per Applicant's instructions as filed on 3/10/05, claims 1-5 have been canceled, and claim 6 has been amended.

Response to Remarks

2. Applicant's arguments with respect to claims 6-10 have been carefully considered but are moot in view of the new ground(s) of rejection incorporating the previously cited prior art reference.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Bayrakeri (6,185,602 B1).

Regarding claim 6, Bayrakeri discloses a terminal (Fig. 2, 100) for running a multimedia application according to the MPEG-4 standard, comprising:

an MPEG-4 data file (col. 4, lines 4-10);

an interface element (Fig. 2, 212) for sending a data file coming from the multimedia application (206) via the internet using an internet protocol and for receiving a data file coming from the internet (204) for the multimedia application, the interface element forwarding the data file coming from the internet to the multimedia application (Fig. 2; col. 3, lines 50-55), wherein;

the interface includes a DMIF layer including instructions for receiving Internet protocols and enabling sending of multimedia applications to terminals that do not include a DMIF layer (Fig. 7, MUI API; col. 10, lines 4-33); and

the interface element transmits data files at least one of from and to other terminal that do not include the interface element (202) via the internet using the internet protocol (col. 1, lines 59-61).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu (5,870,146).

Regarding claim 7, Bayrakeri discloses the interface element providing a message concerning confirmation data and status information (col. 10, lines 12-19).

Therefore, it would have been obvious to a person of ordinary skill in the art employing a terminal for running a multimedia application according to the MPEG-4 standard as taught by Bayrakeri to incorporate the status information in such a way that the interface element provides to the multimedia application a message concerning a status of a data file transmission via the internet so that the multimedia application understands exactly what to do based on the status reception.

Regarding claim 8, Bayrakeri discloses the multimedia application requesting the data file transmission with an addition terminal via the internet and the request occurs by having the multimedia application communicate to the interface element of the additional terminal (202), a data file to be transmitted, a sought service, and a data file to be received, information as to whether an acknowledgement message to be sent

to the multimedia application concerning the status of the data file transmission, so that the interface element creates the data file transmission to the additional terminal using the internet protocol (col. 3, lines 56-67; col. 5, lines 35-51).

Furthermore, status information such as maximum waiting time is conventionally well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art employing a terminal for running a multimedia application according to the MPEG-4 standard as taught by Bayrakeri to incorporate the status information in such a way that the status information discloses the maximum waiting time for the data file transmission so that the multimedia application knows the maximum time it has to wait to transmit the data file.

Regarding claim 9, Bayrakeri discloses the interface element communicating to the multimedia application a message from an additional terminal concerning a success of a reception (confirmation) of the data file to be transmitted, and additional items of information concerning an availability of data files (col. 5, lines 35-51).

Furthermore, a pointer to received data files is well known in the computer art.

Therefore, it would have been obvious to a person of ordinary skill in the art employing a terminal for running a multimedia application according to the MPEG-4 standard as taught by Bayrakeri to incorporate a pointer in such a way that the pointer points to the received file so that the multimedia application knows exactly the location of the received data file.

Regarding claim 10, the Examiner takes official notice that a registration concept is well known in the conventional art.

Therefore, it would have been obvious to a person of ordinary skill in the art employing a terminal for running a multimedia application according to the MPEG-4 standard as taught by Bayrakeri to incorporate the registration concept so that the multimedia application provides the multimedia application with a registration to request the data file transmission via the internet as an effective means to communicate with the multimedia application for certain tasks to be completed such as requesting data file transmission.

Art Unit: 2613

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S. An* whose telephone number is 571-272-7324.
9. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAWN AN
PRIMARY EXAMINER

6/14/05